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COUNTY OF LOS ANGELES PROBATION DEPARTMENT

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January 31, 2007

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Robert B. Taylor *Robert B. Taylor*
Chief Probation Officer

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT – QUARTERLY COMPLIANCE PROGRESS REPORT**

In December of 2003, the Department of Justice completed an investigation into the three Los Angeles County Juvenile Halls pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. of 1997 (CRIPA), and the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C., section 14141.

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice settlement agreement.

This quarterly report covers October 1, 2006 through December 31, 2006. The next report will be submitted in April 2007 and will cover January 1, 2007 through March 31, 2007.

I. STATUS OF PROVISIONS – OVERVIEW

The following areas provide an update on the status of each of the settlement agreement provisions. Of the 52 provisions:

- 20 provisions (38%) are in compliance with the settlement agreement as they have completed the required formalized monitoring process for the required 12 consecutive months. Consequently, no further monitoring of these provisions is required. These provisions are identified in the attached, Section A.

- 3 provisions (6%) were placed into formalized monitoring during this reporting period. These provisions are identified in the attached, Section B.
- 11 provisions (21%) are anticipated to be ready for consideration for formalized monitoring status during the next reporting period of January 1, 2007 through March 31, 2007, as significant progress has been achieved. These provisions are identified in the attached, Section C.
- 18 provisions (35%) will not be considered ready for formal monitoring consideration until the reporting period, on April 1, 2007 through June 30, 2007. These provisions are identified in the attached, Section D.

II. SUMMARY OF COUNTY'S PROGRESS: OCTOBER 2006 – DECEMBER 2006

➤ PROBATION DEPARTMENT

During this reporting period, the Probation Department was identified as the Lead County Agency tasked with coordinating the overall County and LACOE efforts to achieve substantial compliance with the remaining provisions in the Settlement Agreement. A multi-agency core compliance team consisting of high-level managers from the collaborating agencies was implemented to oversee efforts to achieve full compliance with the terms of the Settlement Agreement. This team will work collaboratively to ensure that progress is maintained and that any problems which arise are identified and brought to the attention of the respective Department Heads for immediate resolution.

- The Probation Department made progress in the areas of Fire Safety, Food Safety and Medically Necessary Diets (Provisions #52, #53 and #54). In December 2006, the Monitor granted formalized monitoring in these areas and noted significant improvements since his last monitoring visit.
- The Probation Department achieved a notable reduction in the Uses of Force (Provision #29). For the period July 2006 through December 2006, the incidents where force was used by staff decreased 39% over the same period in 2005, and decreased by 45% as compared to the same period in 2004. This was achieved despite an increase in the average daily population at the facilities.

➤ **DEPARTMENT OF HEALTH SERVICES – JUVENILE COURT HEALTH SERVICES**

- During this reporting period, the Probation Department, and the Department of Health Services' Juvenile Court Health Services Division have continued to explore the options available relative to the development of an Electronic Health Record System to meet the compliance requirements of Provision 41. An interdepartmental County team consisting of decision-maker level managers has been established to explore electronic information systems in use by the Los Angeles County Sheriff's and other systems utilized by other correctional agencies. Collaboration will continue to determine the timelines for purchase, development and implementation of this system. The system in use by the Los Angeles County Sheriff's Department was reviewed by the Probation and DHS-JCHS Information Technology managers during this reporting period and appears promising.
- The Eye Clinic was opened at Central Juvenile Hall and youth began receiving in-house eye services in June 2006. The clinic continues to operate and provide services to minors during this reporting period. Provision 44 (Eyeglasses) is expected to be granted formalized monitoring retroactive to June 2006, during the Medical Monitor's next visit early in February 2007.

➤ **DEPARTMENT OF MENTAL HEALTH**

- **Provision 10 - Assessment:** This provision will be proffered for formal compliance monitoring during the next monitoring visit. Monthly audits and Monitor's observations reflect that each facility is completing mental health assessment within the specified timeframe.
- **Provision 11 - Treatment Planning:** This provision continues to show improvement. The Monitor's note that the treatment plan that the County has developed is excellent and currently implemented at all facilities. Treatment planning continues to improve due to the implementation of Individualized Behavior Management Planning ("IBMP") at each of the facilities. Youth that are experiencing behavioral or other kinds of problems are referred to the program.
- **Provision 12 - Case Management:** The Monitors note that treatment plan coordination and case management has significantly improved through the IBMP process and suggest that the IBMP process should be expanded.
- **Provision 13 - Counseling Services:** The Monitors note that there is considerable evidence that counseling services provided to youth have continued to improve.
- **Provision 24, Assessment & Provision 25, Care for Self-Harming Youth:** These provisions will be proffered for formal compliance monitoring during the next monitoring visit. The County continues to make progress in managing and caring for the population of self-harming youth. Enhanced Supervision Units (ESU) were opened at

Central Juvenile Hall to provide a higher level of care for self harming minors. In addition, the improved collaboration on the tracking of youth on high observation has helped to ameliorate concerns previously raised by the Monitors regarding these paragraphs.

III. SUMMARY OF LACOE'S PROGRESS: OCTOBER 2006 - DECEMBER 2006

- ***Special Education Services*** – Central, Los Padrinos, and Nidorf schools have implemented a consistent and comprehensive model for providing special education services. This service delivery model ensures a continuum of services that include the Resource Specialist Program and Special Day Classes to meet the IEP needs of students. Additionally, this model provides the standards and timelines for service delivery, assessments, and IEPs/reports that all staff are required to follow. According to the education monitor, LACOE has made notable progress in more quickly locating, screening, and identifying newly enrolled students who need special education services.
- ***Student Records Retrieval*** – LACOE has fully implemented a restructured student records request and maintenance process for the juvenile halls. This process provides a centralized collaborative design to make initial student records requests, follow-up requests, and case management of student records searches from initiation to completion. This restructure includes additional staff, the appointment of LACOE's Senior Project Director of Compliance Support Services and a Juvenile Court Schools Assistant Principal Manager to ensure compliance in this area. In addition, procedural manuals for student records retrieval at the juvenile halls have been developed.
- ***English Learner (EL) Services*** – The staff at each juvenile hall are doing a good job of identifying EL students. The percentage of identified EL students with the California English Language Development Test (CELDT) scores is 80% or more daily. Per the education monitor, the identification and course placement of EL students is near substantial compliance. According to the monitor's observations and reports, LACOE has significantly improved the EL program and services at each juvenile hall. In addition to increasing the number of CELDT scores obtained, LACOE has established new EL classes, clearly defined roles for new EL staff, and distinguished roles and responsibilities for all staff related to EL services.
- ***Staff Development*** - LACOE continues to provide and/or participate in mandatory training for all staff, including administrators to improve their skills and technical knowledge to meet the students' diverse needs. LACOE has worked collaboratively with Probation and Mental Health to provide an increased number of training opportunities in the areas of suicide prevention, mental health needs of youth, and crisis prevention. Ongoing special education and EL services trainings for staff are scheduled for each juvenile hall.

IV. MONITOR'S FOURTH SEMI-ANNUAL MONITORING REPORT

In November, 2006, the Monitor published the Fourth Semi-Annual Monitoring Report for the Memorandum of Agreement between the United States, Los Angeles County and the Los Angeles County Office of Education and outlined the progress of the various provisions toward compliance with the Memorandum of Agreement. Subsequent to the publishing of the report, each agency has held meetings with their Monitor(s) to address deficiencies and utilize the Monitor's technical assistance to develop strategies to bring the respective provisions into compliance.

V. AUDITOR-CONTROLLER'S OVERSIGHT OF THE QUALITY ASSURANCE TEAM

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team which consists of representatives from DHS, DMH, LACOE and Probation. The QA Team is responsible for monitoring 48 of the 52 settlement agreement provisions. The remaining four provisions are administrative-related and do not require formal monitoring by the Auditor-Controller.

The QA Team monitors the progress of DHS, DMH, LACOE, and Probation to implement the 48 provisions. The monitoring is conducted monthly at each of the three juvenile halls. The QA Team discusses its findings with management of the respective departments, the Project Manager, and the DOJ monitors. The results of the QA Team reviews support the DOJ's assessment of the County's progress toward implementing the provisions.

County Counsel, DHS, DMH, LACOE, and the Auditor-Controller concur with this report. Our next quarterly compliance progress report will be submitted in April 2007 covering January 1, 2007 through March 31, 2007. The agencies will continue to implement the necessary changes and identify and proffer additional provisions for formalized monitoring assessment by the DOJ. We will continue to apprise your Board of any significant developments.

If you have any questions, please contact me or your staff may contact Ron Barrett, Los Angeles County DOJ Project Manager at (562) 940-2851.

RBT:dg

Attachment

c: Sachi A. Hamai, Executive Officer, Board of Supervisors
David E. Janssen, Chief Administrative Officer
J. Tyler McCauley, Auditor-Controller
Raymond G. Fortner, Jr., County Counsel
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education

DOJ SETTLEMENT AGREEMENT COMPLIANCE STATUS

ATTACHMENT

SECTION A - PROVISIONS WHICH HAVE COMPLETED 12-MONTH FORMALIZED MONITORING

	PROVISION	RESPONSIBLE AGENCY	SECONDARY RESPONSIBILITY	DATE FORMALIZED MONITORING	
8	Staffing (DMH)	DMH		11/30/06	
9	Screening	DMH	PROBATION	05/30/06	
14	Record-Keeping	JCHS/DMH		06/30/06	
17	Psychotropic Medication	DMH/JCHS	JCHS, DMH	11/30/06	
19	Access to Care	PROBATION		11/30/06	
20	Staff Understanding of Mental Health Needs	PROBATION	TRAINING - ALL	11/30/06	
21	Housing of Youth with Disabilities	PROBATION	ALL	05/30/06	
30	Supervision of Youth	PROBATION	TRAINING - LACOE	10/31/06	
34	Group Punishment	PROBATION		05/30/06	
36	Youth Movement Between Halls	PROBATION	ALL	06/30/06	
37	Orientation	PROBATION		12/31/06	
38	Grievance System	PROBATION		11/30/06	
39	Youth with Special Needs	JCHS	PROBATION	05/30/06	
40	Outside Appointments	PROBATION	JCHS/DMH	11/30/06	
42	Confidentiality	PROB/JCHS		05/30/06	
43	Access to Care	PROBATION		11/30/06	
51	Security	PROBATION	LACOE	11/30/06	
67	Consent Forms	ALL		05/30/06	
68	Implementation Plan	ALL		05/30/06	
69	Document Review	ALL		08/31/06	
	TOTAL	20			
	PERCENTAGE	38%			

SECTION B - PROVISIONS CURRENTLY IN 12-MONTH FORMALIZED MONITORING PHASE

	PROVISION	RESPONSIBLE AGENCY	SECONDARY RESPONSIBILITY	MONITORING WAS GRANTED	
52	Fire Safety	PROBATION	LACOE	Dec 1, 2006	
53	Food Safety	PROBATION		Dec 1, 2006	
54	Medically-Necessary Diets	PROBATION	JCHS	Dec 1, 2006	
	TOTAL	3			
	PERCENTAGE	6%			

SECTION C - PROVISIONS WHICH ARE NEARING READINESS FOR MONITORING

	PROVISION	RESPONSIBLE AGENCY	SECONDARY RESPONSIBILITY	*ESTIMATED DATE FOR COMPLIANCE READINESS	PERCENTAGE OF COMPLIANCE
10	Assessments	DMH		Feb 2007	80%
18	Restraints	PROBATION	DMH	Jan 2007	95%

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22	Training (Suicide Prevention)	PROBATION	TRAINING - ALL	Jan 2007	100%
23	Sharing of Information	PROBATION	ALL	Jan 2007	100%
24	Assessment	DMH		Feb 2007	100%
25	Management of Suicidal Youth	DMH/PROB		Feb 2007	90%
26	Care for Self-Harming Youth	DMH/PROB		Feb 2007	80%
28	Chemical Restraint	PROBATION		Feb 2007	90%
29	Use of Force	PROBATION		Feb 2007	100%
44	Eyeglasses	JCHS		**Aug 2006	100%
45	Hygiene	JCHS/PROB		Mar 2007	70%
	TOTAL	11			
	PERCENTAGE	21%			

* ESTIMATED DATES FOR COMPLIANCE READINESS AND ACTUAL MONITORING DATE MAY VARY DEPENDING ON THE ACTUAL DATE THE MONITOR INSPECTS THE FACILITY FOR COMPLIANCE.

** IT IS ANTICIPATED THAT THE MEDICAL MONITOR WILL GRANT RETROACTIVE MONITORING FOR PROVISION #44, EYEGLASSES, DURING HIS NEXT MONITORING VISIT, SCHEDULED FOR FEBRUARY 1ST AND 2ND, 2007.

SECTION D - PROVISIONS WHICH ARE NOT READY FOR FORMALIZED MONITORING

	PROVISION	RESPONSIBLE AGENCY	SECONDARY RESPONSIBILITY	ESTIMATED DATE FOR COMPLIANCE READINESS*	PERCENTAGE OF COMPLIANCE
11	Treatment Planning	DMH		Jul 2007	80%
12	Case Management	DMH		Jul 2007	80%
13	Counseling Services	DMH	PROBATION	Jul 2007	90%
15	Individualized Behavior Modification	ALL		May 2007	80%
16	Substance Abuse	DMH/PROB		Apr 2007	67%
27	Staffing (Probation)	PROBATION		Aug 2007	75%
31	Child Abuse Investigation	PROBATION		Sep 2007	50%
32	Use of Force Review	PROBATION		May 2007	65%
33	Rehabilitation	PROB/LACOE	JCHS/DMH	Aug 2007	75%
35	Reduce Youth-on-Youth Violence	PROB/LACOE	JCHS/DMH	Apr 2007	80%
41	Medical Records Transfer	JCHS	PROBATION	Sep 2007	10%
46	Special Education	LACOE		Aug 2007	50%
47	Related Services	LACOE		Jun 2007	73%
48	Parent Participation	LACOE	PROBATION	Apr 2007	100%
49	Transition Planning and Services	LACOE		Apr 2007	83%
50	Materials, Space and Equipment	LACOE	PROBATION	Apr 2007	30%
55	Youth Hygiene	PROBATION	LACOE	Apr 2007	70%
56	Audit Process for DOJ	ALL		Sep 2007	31%
	TOTAL	18			
	PERCENTAGE	35%			